

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Ray C. Wasielewski	Confirmation No. 1366
Serial No.:	10/667,763	Art Unit: 3733
Filed :	09/22/2003	Examiner: Philogene, Pedro
For :	Apparatus, System and Method for Intraoperative Performance Analysis During Joint Arthroplasty	

Commissioner for Patents
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

DePuy Products, Inc., a corporation of the State of Indiana, having a registered office at 700 Orthopaedic Drive, Warsaw, IN 46580, represents that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the above-captioned patent application by virtue of an assignment sent on September 22, 2003. DePuy Products, Inc. is the owner of U.S. Patent Application Serial No. 10/667,685 filed September 22, 2003. A copy of the assignment was recorded electronically on September 22, 2003, a copy of which is attached. DePuy Products, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Applications No. 10/667,685 filed on 09/22/2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patents on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has

all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The Terminal Disclaimer fee of \$110.00 and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/DEP759NP/SJM.

The undersigned is an attorney of record. Reg. No. 30,657

Signed at Warsaw, Indiana this 17th day of September, 2007.

Respectfully submitted,

DePuy Products, Inc.

/Stephen J. Manich/

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Date: September 17, 2007